

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RECEIVED

In re

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JAMES E. JEFFERY ET AL

GROUP 120

PATENT NO.: 4,746,680

ISSUED : MAY 24, 1988

FOR : THERAPEUTIC AGENTS

PATENT & TRADEMARK OFFICE

SEP 27 1988

CERTIFICATE OF CORRECTION PP

**REQUEST FOR CERTIFICATE OF CORRECTION OF
PATENT OFFICE MISTAKE AND REQUEST FOR
CERTIFICATE OF CORRECTION OF APPLICANTS
MISTAKE UNDER 37 CFR §1.322 AND 1.323**

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Upon review of the above patent subsequent to issuance, two errors have been called to counsel's attention by the patent department of applicants' assignee. The first of these involves an error by the Patent Office in that the correct patent number adjacent item [63] should be patent No. 4,522,828 and not 4,522,328 as printed on the patent document. The second error involves claim 13. This claim was originally presented as claim 52. Counsel received instructions from the patent department of applicants' assignee to cancel claim 52 along with certain other claims in a letter of instructions dated March 24, 1987. Pursuant to the instructions contained in that letter, counsel prepared and filed an Amendment on April 2, 1987. Upon review of the file of the above patent, it is now counsel's

belief that his secretary at the time who is no longer with him did not pick up the cancellation of claim 52 from the documents she was given to prepare the Amendment. The undersigned counsel who had dictated the Amendment was not in the office on April 2 when the Amendment was finalized and it is noted that there is a certificate of mailing from Jesse D. Reingold who would have made the final check on the Amendment. It is noted that the Amendment itself was 31 pages and included the submission of a three-month petition for an extension of time, a Terminal Disclaimer and Declarations of Dr. Buckett and Messrs. Jeffery and Haran. It therefore appears that the omission of claim 52 from among those claims cancelled was an inadvertent mistake which occurred in good faith and simply was not noticed in view of the lengthy nature of the Amendment document.

Indeed, the presence of that claim was only recently noticed by the patent department of applicants' assignee, apparently upon review of the patent document and consideration of copending application, Serial No. 044,604 in which a Terminal Disclaimer is also filed. It should be noted that the above-identified patent will expire on the expiration date of U.S. Patent No. 4,522,828 as will a patent issuing on Serial No. 044,604. Serial No. 044,604 contains claim 62, which is identical to claim 13 in the instant application. Claim 62 has been allowed in Serial No. 044,604 and was properly placed in that application at

the time the continuation application Serial No. 044,604 was filed.

Therefore, applicants respectfully request that a certificate of correction be issued deleting claim 13 from the above-identified patent since that claim will appear in the patent which will issue on Serial No. 044,604 where it properly belongs. Since both the above-identified patent U.S. Patent No. 4,522,828 and the patent issuing on Serial No. 044,604 will all expire on the same day, namely June 11, 2002, there is no question of extension of the patent monopoly and it is believed that a certificate of correction may properly be issued for this inadvertent mistake on behalf of applicants.

A check in the sum of \$40.00 is submitted herewith to cover the fee for issuing a certificate of correction of applicants' mistake. The Commissioner is hereby authorized to charge any deficiency in any fees associated with this communication only to our deposit account No. 10-0125.

Respectfully Submitted,

JAMES E. JEFFERY ET AL

By: JACOBS & JACOBS, P.C.

Per:

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 4,746,680

DATED : May 24, 1988

INVENTOR(S) : James E. Jeffery et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Under Related U.S. Application Data [63], should read:

Continuation of Ser. No. 365,285, Apr. 5, 1982, Pat. No. 4,522,828.

Claim 13 is deleted.

MAILING ADDRESS OF SENDER: Jacobs & Jacobs, P.C.
521 Fifth Avenue
New York, New York 10175

PATENT NO. 4,746,680

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FORM PTO 1050 (REV. 3-82)

review of the file of the above patent, it is now counsel's

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